

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

DOUGLAS HOWARD,

Plaintiff,

-vs-

CASE No.: 22-1132
HON. Paul L. MALONEY

CITY OF KALAMAZOO, JUSTIN AARON WOLBRINK,
CALEB JONES and BRETT BYLSMA, in their individual
And official capacities,

Defendants.

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Defendant City of Kalamazoo's Motion to Extend the Deadline to Deliver the
Settlement Draft to Plaintiff Counsel and file Case Closure Settlement Documents
with the Court

The Court has been very patient regarding the municipal process for Defendant City of
Kalamazoo to obtain/deliver Plaintiff's settlement draft to Plaintiff Counsel (an earlier deadline was
assigned to the file – with additional time extension(s) granted). This case was resolved through

the settlement process before the end of November 2023. Defendant City of Kalamazoo Commission had approved and extended settlement authority previously through a “closed session” process.

The formal approval of the Settlement occurred via a “Consent Agenda” item of the last City Commission Meeting of the year held on December 18, 2023.

Counsel of record subsequently gave approval to a written settlement agreement - document signed by early February 2024.

Counsel for the City also obtained a signed W-9 form from Plaintiff Counsel on/or about February 7, 2024, as part of the payment process of the settlement funds. City of Kalamazoo Management Services Department would not issue Plaintiff’s settlement draft unless/until Minutes from the 12/18/23 City Commission Meeting had been completed and a copy provided to their Department office for verification.

Kalamazoo City Clerk’s Office has been in a very busy “season” – a fall election on November 7, 2023, end of the year routine business (new ordinances-approval); also an election primary occurred on February 27, 2024 including the newer component of “early voting”. The busy City election season interfered with timely completion of prior City Commission Meeting Minutes in spite of a prior standard request for a copy of the City Commission Meeting Minutes for the 12/18/23 Meeting. Throughout this time Plaintiff Counsel was provided regular “updates” of the delayed situation.

On the afternoon of March 7, 2024 - Assistant City Attorney Bill Bates (the undersigned) was provided a copy of the 12/18/2023 City Commission Meeting Minutes; Plaintiff Counsel was promptly sent a copy of the Meeting Minutes - and the City Attorney Office timely provided all necessary settlement documents to the City Management Services Department for processing and issuance of the settlement draft.

In spite of the above-described positive developments, Defendant City of Kalamazoo could not effectuate the production of a settlement draft and delivery of said draft to Plaintiff Counsel and submission of case closure documents with the Court by the latest Court deadline of 3/8/2024 for the settlement process to be completed.

For these reasons, the City of Kalamazoo is filing this Motion to Extend Time to Deliver the Settlement Draft to Plaintiff Counsel and file closure Settlement Documents with the Court.

Date: March 8, 2024

Defendant City of Kalamazoo

Aaron Leal (P58655)
Kalamazoo City Attorney

By: /s/ _____
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(269) 337-8185

CERTIFICATE OF CONCURRENCE

Defense Counsel – William R. Bates (P43306) for Defendant City of Kalamazoo, pursuant to W.D. Mich. LCivR 7.1(d), attests the following: I sought and obtained concurrence in the filing of this motion on 3/8/24 via email. An attorney of record for each party of record extended concurrence same day (3/8/2024).

Respectfully submitted,

s/William R. Bates (P43306)
Attorney for City of Kalamazoo – Officer Defendants
241 W. South St.
Kalamazoo, MI 49007

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2024, I electronically filed the foregoing Motion with the Clerk of the Court using the ECF system which will send notification of such filing to the following: all attorneys of record: and I hereby certify that I have mailed by United States Postal Service the paper copy to the following non-ECF participants. - NONE.

s/ William R. Bates (P43306)
Attorney for City of Kalamazoo – Officer Defendants
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